

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

IN THE APPLICATION OF:

WIN-CHUNG LEE ET. AL.

CASE NO.: AD6995 US NA

APPLICATION NO.: 10/799056

GROUP ART UNIT: 1713

FILED: MARCH 12, 2004

EXAMINER: WILLIAM K. CHEUNG

FOR: POLYAMIDE AND POLYVINYL BUTYRAL COMPOSITIONS AND BLENDS
COMPRISING MINERAL FILLER AND ARTICLES MADE THEREFROM

**REQUEST FOR ENTRY AND CONSIDERATION
OF APPELLANTS' APPEAL BRIEF**

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants submitted an Appeal Brief on January 12, 2007.

The Patent Office issued Notification of Non-Compliant Appeal Brief (37 CF 41.37)
on May 25, 2007.

The Notice states:

"In view of MPEP 1205.02 section 9, applicants are not allowed by [sic] submit or discuss any untimely submitted materials. For the instant case, the untimely submission and discussion of the material in the evidence appendix making the instant appeal brief defective."

As explained in the Evidence Appendix, all of the documents submitted and the evidence discussed was previously submitted during the prosecution of this application. This can be seen from reviewing the documents in the PAIRS system.

Rule 37 CFR 41.37(c)(1)(ix) has been interpreted to require that applicants resubmit evidence relied upon in the Appeal Brief, and the undersigned was told that some Appeal Briefs have even been rejected for not including copies of the prior art relied upon by some examiners. Hence, the undersigned included a copy of all of the documents discussed in the Appeal Brief, resubmitting documents previously submitted to support the patentability of the claims.

For example, applicants included copies of Blatz (U.S. Pat. No. 5,770,654), Hedrick et al. (U.S. Pat. No. 3,419,517) and the revised tables from the specification in the evidence appendix.

Further, in order to provide a comparison, applicants compared data in the patent application with data available in the public domain. Much of the data concerning nylon 6 and nylon 6,6 was obtained from MatWeb <http://www.matweb.com/>. Data is also presented from the DuPont Zytel[®] Nylon Resin Product and Properties Guide, available at http://www.plastics.dupont.com/plastics/pdf/it/americas/zytel/231094d.pdf?GXHC_local=en_US. Copies of printouts of these web pages were submitted during prosecution and additional copies were submitted with the Appeal Brief.

In view of the above, since all of the documents submitted with the Appeal Brief and the evidence discussed were previously submitted during the prosecution of this application, applicants submit that the Appeal Brief is proper, and should be entered and considered.

Should any fee be due for the filing of this Request or entry and consideration of the Appeal Brief, including any extension of time fee, please charge any such fee (and render any credit), to Deposit Account 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,

/Mark D. Kuller/

Mark D. Kuller
Attorney for Applicants
Registration No.: 31,925
Telephone: (302) 892-1354
Facsimile: (302) 992-3257

Dated: June 26, 2007